REMARKS

The present Amendment amends claims 13-16. Therefore, the present application has pending claims 13-16.

Claims 13-16 stand rejected under 35 USC §103(a) as being unpatentable over Huberman (U.S. Patent No. 6,078,906). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 13-16 are not taught or suggested by Huberman whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to each of the claims so as to more clearly describe features of the present invention. Particularly, amendments were made to the claims to more clearly recite that the present invention provides a center site which performs essentially a passive type function of storing information of open businesses and supplying the information of the open businesses and information of an order specification in response to requests from the member sites. The center site according to the present invention does not perform any evaluation or selecting type functions as would be necessary, for example, in an auction environment.

Further, according to the present invention each of the member sites performs its own selection of another member site with which to conduct a transaction based on the requested information of open businesses. This feature of the present invention allows for each of the member sites to select its own business partners with which to conduct transactions based upon criteria which may be fixed or may

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dynamically change over time in the member site. Each member site need not await any actions by the center site in order to select a business partner.

Thus, the present invention provides a method and electronic business transaction system wherein information of open businesses issued by the member sites are stored in a database in the center site, and wherein a request from a member site to access the information of open businesses is received in the center site so as to search the information of open businesses to determine products and/or services of interest.

Further, according to the present invention, an order specification from the member site is received at the center site, wherein the order specification represents an order by the member site to sell or purchase products and/or services of interest described by the requested information received from the center site. Unique according to the present invention is that the member site selects another member site as an order destination member site with which a transaction is to be conducted based on the requested information without any actions by the center site.

Still further, according to the present invention, the order specification is transmitted from the center site to the order destination member site to permit the conduct of the transaction between the member site and the order destination member site.

The above described features of the present invention are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the

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present invention now more clearly recited in the claims are not taught or suggested by Huberman.

Huberman teaches a method and system for providing a document service over a computer network using an automated brokered auction. As taught by Huberman in Fig. 2 thereof, the system includes a plurality of customer processes 210, a plurality of supplier processes 220 and a broker process 230. In Huberman, a customer process 210 places a printing and mailing request with the broker process 230 thereby providing required particulars of a printing job to be conducted. The broker process 230 upon receipt of the request broadcasts the job requirements of the request to numerous supplier processes 220 who can then bid on the job requirements in a competitive auction. As per Huberman, the broker process 230 reviews the bids and based upon preset auction criteria (lowest bid) selects a supplier process 220 as the winning bidder in the auction and supplies information of the winning supplier process 220 to the customer process 210 along with the quoted price. The customer process 210 as taught by Huberman has an opportunity to accept or decline the bid.

Thus, as is quite clear from the above, Huberman provides an auction system in which the broker process 230 performs the selection of a supplier process 210 based upon predefined criteria (lowest bid), thereby removing the ability for the customer process 210 to select any of the supplier processes 220 based upon its own criteria that may be developed or may dynamically change over time. Further, the system taught by Huberman does not allow for the customer process 210 to

review all of the bids submitted by the supplier processes 220 so as to select the appropriate bid based upon its own criteria.

As described above, the present invention overcomes the disadvantages of Huberman by permitting the member site to select another member site as a order destination member site so as to conduct a transaction with the selected member site. Thus, as per the present invention each member site has the ability to review each of the offerings of the other member sites and determine which business partner would be most appropriate to conduct the transaction.

Therefore, Huberman fails to teach or suggest <u>receiving, in the center site, a request from a member site to access the information of open businesses of the open business information database so as to search the information of open businesses to determine products and/or services of interest</u> as recited in the claims.

Further, Huberman fails to teach or suggest <u>receiving, at the center site, an order specification from the member site, the order specification representing an order by the member site to sell or purchase products and/or services of interest described by the requested information received from the center, wherein the member site selects another member site as an order destination member site with which a transaction is to be conducted based on the requested information</u> as recited in the claims.

Still further, Huberman fails to teach or suggest <u>transmitting, from the center site to the order destination member site, the order specification based on the requested information from the open business information database to permit the</u>

conduct of the transaction between the member site and order destination member site as recited in the claims.

Therefore, Applicants submit that the features of the present invention as now more clearly recited in the claims are not taught or suggested by Huberman whether taken individually or in combination with any of the other references of record.

In the Office Action, the Examiner alleges that "the only difference between the claimed invention and Huberman is in wording only". However, the Examiner is completely in error in this regard and fails to understand the unique features of the present invention relative to that taught by Huberman. The basic fact is that Huberman is an auction system in which the broker to selects the winner of the auction. The present invention as recited in the claims is not an auction system. The present invention places the control for selecting a business partner in the hands of each of the member sites. Thus, according to the present invention each member site can select its own business partner based on its own criteria which may be fixed or may change over time. Thus, according to the present invention, the business partner selected may not always be the lowest bidder. Such features are not possible in Huberman.

Therefore, reconsideration and withdrawal of the rejection of claims 13-16 under 35 USC §103(a) as being unpatentable over Huberman is respectfully requested.
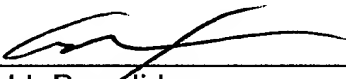
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 13-16.

In view of the foregoing amendments and remarks, Applicants submit that claims 13-16 are in condition for allowance. Accordingly, early allowance of claims 13-16 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.36167CX1).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 312-6600